

THE EFFECTIVE DATE OF THIS ORDINANCE IS SEPTEMBER 26, 2006

ORDINANCE NO. 06-32-428

RE: Changes to the Installment Purchase Program (IPP) Ordinance

PREAMBLE

The Board of County Commissioners desires to amend Section 1-13-35 of the Frederick County Code to: (1) provide that the base value of agricultural easements under the IPP will be set by the Board of County Commissioners by resolution; and (2) to provide that easements may be acquired on properties having no further subdivision rights if the property in question adjoins or is adjacent to a parcel of land of 50 acres or more which is subject to an agricultural or other conservation easement which precludes further subdivision of such property.

A duly advertised public hearing on this proposed ordinance was held on September 26, 2006. The public had an opportunity to comment on the proposed ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-13-35(c)(4) be amended to read as follows:

(4) *Other criteria.* Landowners applying for sale of a development rights easement under the installment purchase program must have further subdivision rights under the provision of the Frederick County Zoning Ordinance provided however properties without further subdivision rights may be permitted to be considered if the property [meets all other criteria above and any portion of the property is located within 2000 feet of a comprehensive plan growth area] :

A) IS LOCATED WITHIN 2000 FEET OF A GROWTH AREA AS DESIGNATED ON A REGION PLAN; OR

B) ADJOINS ANOTHER PARCEL OF LAND CONTAINING AT LEAST 50 ACRES WHICH IS SUBJECT TO AN AGRICULTURAL CONSERVATION EASEMENT OR OTHER CONSERVATION EASEMENT; PROVIDED THAT ANY SUCH AGRICULTURAL OR OTHER CONSERVATION EASEMENT MUST PRECLUDE FURTHER SUBDIVISION OF SUCH PROPERTY.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD,
that the entire Section 1-13-35(F) of the Frederick County Code is hereby repealed
and reenacted to read as follows:

(F) *VALUATION OF THE EASEMENT.*

(1) THE BASE VALUE FOR ACQUISITION OF
DEVELOPMENT RIGHTS UNDER THE INSTALLMENT PURCHASE
PROGRAM SHALL BE ESTABLISHED BY THE BOARD OF COUNTY
COMMISSIONERS IN A SEPARATE RESOLUTION. ADDITIONAL VALUE
ABOVE THE BASE VALUE WILL ACCRUE FOR QUALIFYING
PROPERTIES IN ACCORDANCE WITH THE APPROVED RANKING
SYSTEM. THE TOTAL VALUE OF AN EASEMENT WILL BE
DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS AFTER A
RECOMMENDATION BY THE ADVISORY BOARD.

(2) A PROPERTY WHICH HAS NO FURTHER
SUBDIVISION RIGHTS UNDER THE PROVISIONS OF THE FREDERICK
COUNTY ZONING ORDINANCE AS OF THE EFFECTIVE DAY OF THIS
ORDINANCE MAY BE ELIGIBLE FOR THE PURCHASE OF AN
EASEMENT AT THE BASE VALUE, WITH NO ADDITIONAL VALUE
ACCRUED THROUGH THE RANKING SYSTEM, BUT ONLY WHERE
SUCH PROPERTY:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
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A) IS LOCATED WITHIN 2000 FEET OF A GROWTH
AREA AS DESIGNATED ON A REGION PLAN; OR

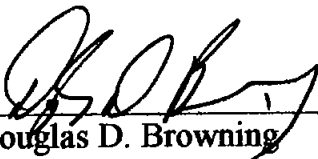
B) ADJOINS ANOTHER PARCEL OF LAND
CONTAINING AT LEAST 50 ACRES WHICH IS SUBJECT TO AN
AGRICULTURAL CONSERVATION EASEMENT OR OTHER
CONSERVATION EASEMENT; PROVIDED THAT ANY SUCH
AGRICULTURAL OR OTHER CONSERVATION EASEMENT MUST
PRECLUDE FURTHER SUBDIVISION OF SUCH PROPERTY.

These amendments shall apply to all applications under the Installment
Purchase Program pending as of September 1, 2006.

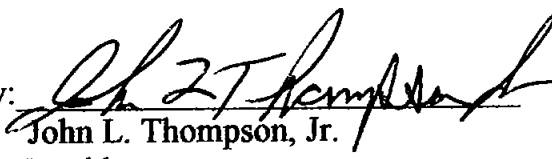
The undersigned hereby certifies that this Ordinance was approved and
adopted by the Board of County Commissioners on the 26th day of
September, 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Douglas D. Browning
County Manager

By: 

John L. Thompson, Jr.
President

MLC 10/5/06

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